IV2290551

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INTERNAL AFFAIRS BUREAU **IV2290551**
INVESTIGATIVE SUMMARY

Subject: **Steven Stroble, Deputy Sheriff #[redacted]**

Unit: **Personnel Administration Bureau, Pre-Employment Unit - Backgrounds**

Date: **June 14, 2011**

Location: **150 West Commonwealth Avenue, Alhambra**

Synopsis

This case is in reference to an investigation conducted by Sergeant Scott Craig of Internal Criminal Investigations Bureau. The allegation was that Subject - Deputy Steven Stroble took an unauthorized photograph under a woman's skirt. The alleged incident occurred on June 14, 2011, at approximately 1320 hours at Alhambra Court, inside the second floor clerk's office.

On June 14, 2011, Subject Stroble was working overtime at the Alhambra Court from [redacted] to [redacted] hours. He conducted a random foot patrol of the second floor of the court at approximately 1315 hours. As he walked into the second floor clerk's office there was an adult female wearing a short skirt at the traffic clerk's window. The female was the only customer in the office at the time. Subject Stroble had paperwork in his left hand and a black cell phone in his right hand. He bent over at his waist, lowering his cell phone beneath the woman's skirt and appeared to take a picture with his cell phone. The incident was witnessed by another employee inside the clerk's office who immediately reported the incident. The incident was also depicted on two of the courthouse's video surveillance cameras.

A preliminary inquiry was conducted by Alhambra Court's Sergeant Tracy Crow and Senior Deputy Rowland Jex; the victim and witness were identified. On June 15, 2011, ICIB personnel were called to Alhambra Court to handle the investigation. Subject Stroble was relieved of duty by Captain Kevin Hebert pending further investigation.

On August 24, 2011, a charge of Disorderly Conduct, Unauthorized Photography Through or Under Clothing; 647 (J) (2) Penal Code, was filed with Alhambra Court. On August 26, 2011, an arrest warrant for Subject Stroble was issued by Judge Carlos Uranga. On August 31, 2011, Subject Stroble appeared to surrender on the warrant and for a bench warrant hearing. He plead not guilty, and Subject Stroble was released on his own recognizance. On September 1, 2011, the case was transferred to Pasadena Court.

On March 1, 2012, Subject Stroble withdrew his plea of not guilty and pled nolo contendere to the charge. Honorable Judge Darrell Mavis sentenced Subject Stroble to 36 months summary probation, ordered him to perform 40 hours of community service and to pay several fines.

IAB Note: Case Supplementals, refer to IAB Exhibit A, ICIB Book, pages 1 thru 21. Also refer to IAB Exhibits B and C for print outs of court dates and Superior Court minutes.

The following is a summary of the investigation conducted by Internal Criminal Investigations Bureau, Sergeant Scott Craig and the subsequent administrative investigation conducted by Sergeant Sonja Bracken:

On June 15, 2011, Sergeants Scott Craig and Raymond Moeller contacted Sergeant Tracy Crow at Alhambra Courthouse. Sergeant Crow verified that Subject Stroble worked on the afternoon of June 14, 2011. Sergeant Crow said that Witness [redacted] reported what she saw to the Clerk's office and left Alhambra Court. One of the clerk's notified Senior Deputy Rowland Jex who subsequently interviewed the personnel in the clerk's office. Senior Jex was able to identify the victim, [redacted], by the transaction paperwork that was at the Traffic Clerk's window. El Monte Court [redacted] was the witness in this incident. She was interviewed by Sergeant Ronald Williams at El Monte Court. Sergeant Crow reviewed the video surveillance of the incident which appeared to corroborate the witnesses allegations. Sergeant Crow gave Sergeant Craig a copy of the video surveillance, Alhambra Court Daily In-Service, copy of Subject Stroble's overtime form and a court document entitled "Expanded Traffic Record System," used to identify Victim [redacted].

IAB Note: There is no audio of ICIB investigators preliminary inquiry with Sergeant Tracy Crow.

IAB Note: In IAB Exhibit A, ICIB Book, page 17, the two clerks interviewed by Senior Deputy Jex are listed as [redacted] and [redacted]. In a sentence following those names, there was mention of a Ms. [redacted]. I confirmed that this was a typo by ICIB Sergeant Craig, the correct name is Ms. [redacted]. Refer to Dictaphone jobs #34518, #35157 and Exhibit D for these interviews.

Sergeant Crow took Sergeant Craig and Sergeant Moeller to the second floor clerk's office and pointed out the location of the surveillance cameras which captured the actions of Subject Stroble. They then reviewed the video footage in Sergeant Crow's office.

IAB Note: Refer to IAB Exhibit A, ICIB Book, pages 5 & 6, for specific times that depict Subject Stroble's actions on video surveillance cameras 15 traffic and 17 traffic.

<u>IAB Note:</u> During the review of the video surveillance, Sergeant Scott recognized and identified Subject Stroble from being professionally acquainted with him from March of 2009 thru December of 2010.

Sergeants Craig and Moeller then met with Subject Stroble and Captain Hebert in the Captain's office. Sergeant Craig informed Subject Stroble about the allegations made against him. Subject Stroble initially said he had no idea what the incident was about and denied being in the Alhambra clerk's office on June 14, 2011. Sergeant Craig immediately seized Subject Stroble's Sheriff's Department issued cell phone and his personal cell phone.

On June 15, 2011, at 1355 hours, Sergeants Craig and Moeller interviewed Subject Stroble. The following is a summary of that interview:

Sergeant Scott explained the differences between Internal Criminal Investigations Bureau and Internal Affairs Bureau. He also made Subject Stroble aware that he was free to leave the interview at any time. Subject Stroble agreed to participate in the interview. Subject Stroble said he went into the clerk's office on June 14, 2011 at approximately 1320 hours. He made small talk with the clerks and saw a piece of paper on the floor, next to an unknown female (later identified as Victim [redacted]). He said he was not going to pick up the paper but then decided to pick it up. Subject Stroble said he picked up the piece of paper and asked Victim [redacted] if it belonged to her. Victim [redacted] said the piece of paper was not hers and that maybe it belonged to another person. Subject Stroble said during this contact with Victim [redacted], he had his personal cell phone in his hand because he was text messaging his [redacted].

Subject Stroble said if an examination of his personal cell phone was conducted, there would not be any photographs of Victim [redacted] on it. Sergeant Craig informed Subject Stroble about the video surveillance footage which did not show him picking up any paper from the floor. Sergeant Craig also told Subject Stroble about the witness (identified as Witness [redacted]) who saw his actions in the clerk's office. Sergeant Craig gave Subject Stroble a chance to change his statement. Subject Stroble maintained that he had done nothing wrong and only picked up a piece of paper. Subject Stroble described the piece of paper that he allegedly picked up as a quarter sized sheet of a standard sheet of paper. Subject Stroble added that the video surveillance would show him picking up that piece of paper and opening it.

Sergeant Moeller reiterated to Subject Stroble how clear the video surveillance depicted him placing his cell phone underneath Victim [redacted]'s skirt. Sergeant Craig told Subject Stroble that if he took a picture with his cell phone and deleted it, the picture could still be retrieved. Subject Stroble again denied that he placed his cell phone under Victim [redacted]'s skirt or took a picture of her.

This interview was concluded.

Moments later, as Sergeants Craig and Moeller were meeting with Captain Hebert, Subject Stroble approached them. Subject Stroble expressed that he would like to clarify his earlier statements.

At approximately 1435 hours, Sergeants Craig and Moeller re-interviewed Subject Stroble. Subject Stroble admitted that often received text messages and pictures from friends. He admitted that he went into the clerk's office on June 14, 2011, and after seeing Victim [redacted], he intended on taking a picture of her leg, above her knee, at the skirt area. He intended on sending that picture to a friend, he then admitted his friend was in fact, his adult [redacted], [redacted]. Subject Stroble said as he got closer to Victim [redacted], he caught himself, did not take a picture of her, and that "maturity kicked in." Subject Stroble described his actions as "stupid, immature, temporary poor thought process and human nature."

Subject Stroble said he was aware that someone in the clerk's office may have been watching him. He also said he was aware of the video surveillance cameras in the clerk's office. Subject Stroble feared that taking a picture of a person in the way he intended to was a crime because of his thought process at the time. He believed that this incident would have been a crime if he would have attempted to take the picture up Victim [redacted]'s skirt.

Subject Stroble said he had not seen Victim [redacted] prior to seeing her in the clerk's office that afternoon of June 14, 2011. Subject Stroble admitted he used the papers in his hand as a decoy and that he never picked up any paper from the floor of the clerk's office that afternoon. Subject Stroble said what he had done was stupid and he was happy that he stopped himself before actually taking the picture.

This interview was concluded.

Immediately after this interview, Sergeant Craig seized the Sheriff's Department desktop computer from Subject Stroble's desk. Subject Stroble's work email and internet access account were suspended at Sergeant Craig's request.

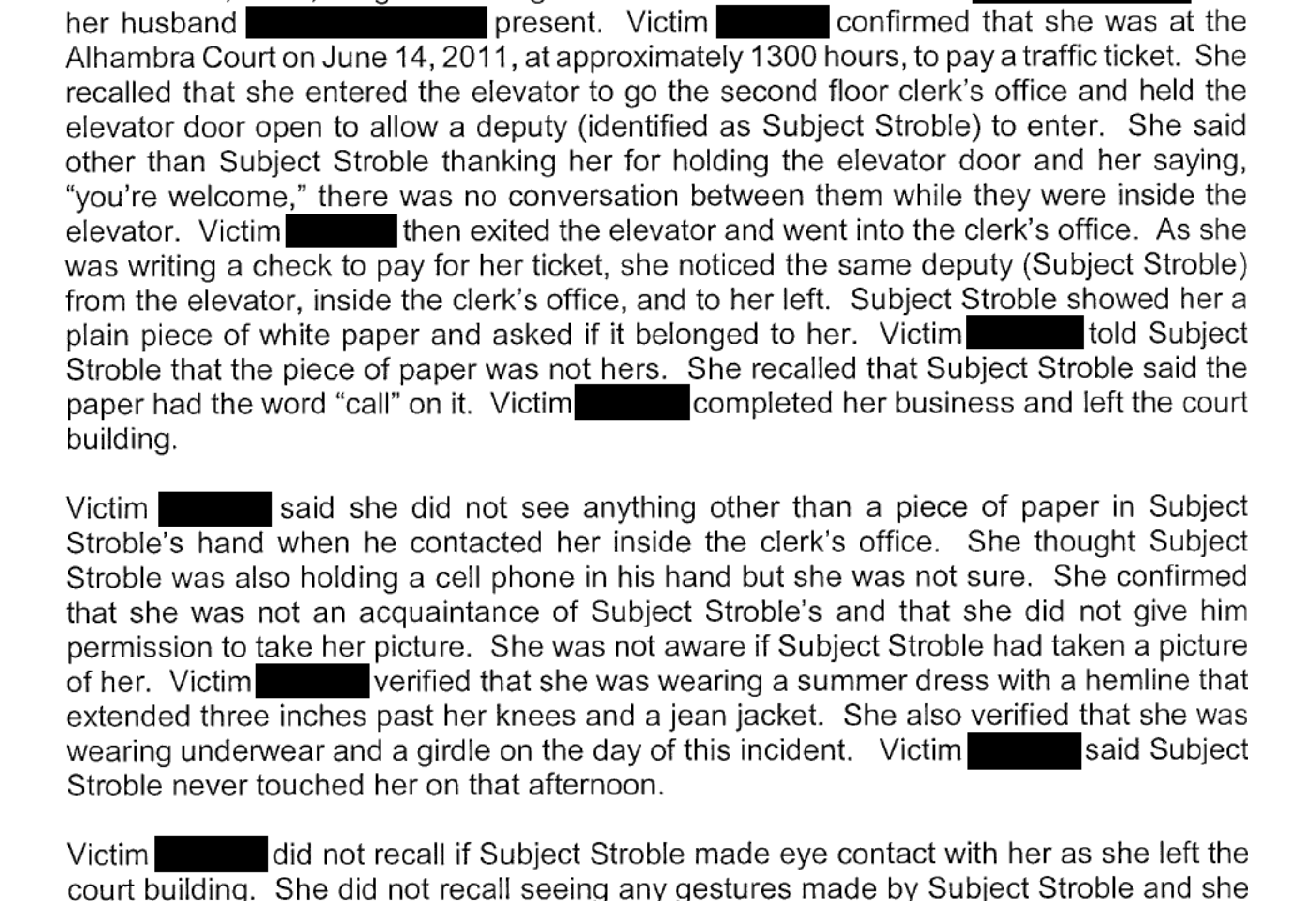
Sergeant Craig contacted Victim [redacted] via telephone and confirmed that she was at the Alhambra Court in the clerks office on June 14, 2011. Victim [redacted] confirmed that a deputy had asked about a piece a paper that he allegedly picked up off of the floor. Victim [redacted] said she did not know that deputy and did not give him permission to take a picture of her. Victim [redacted] said she would cooperate with Sergeant Craig's investigation and agreed to meet for an interview.

> **<u>IAB Note:</u> On June 16, 2011, Sergeant Craig obtained a search warrant for the search and forensic examination of Subject Stroble's personal and work cell phones that were seized. Refer to IAB Exhibit A, ICIB Book, pages, 30 thru 33.**

On June 16, 2011, Subject Stroble telephoned Sergeant Craig inquiring if he could get another personal cell phone using the same number and asking if his Department email/internet access was shut down. Sergeant Craig advised him that he could get another cell phone and verified that his Department computer access was suspended.

<u>IAB Note:</u> Subject Stroble telephoned Sergeant Craig again on June 22, 2011, advising him that he had joined a sexual addiction support group. On both telephone calls to Sergeant Craig, Subject Stroble inquired as to the status of the criminal case and asking Sergeant Craig his opinion on the results of the case.

<u>IAB Note:</u> For further details of Subject Stroble's interviews and telephone calls with ICIB investigators, refer to IAB Exhibit A, ICIB Book, pages 6 thru 11 and also page 14.



On June 21, 2011, Sergeants Craig and Moeller interviewed Victim [redacted] with her husband [redacted] present. Victim [redacted] confirmed that she was at the Alhambra Court on June 14, 2011, at approximately 1300 hours, to pay a traffic ticket. She recalled that she entered the elevator to go the second floor clerk's office and held the elevator door open to allow a deputy (identified as Subject Stroble) to enter. She said other than Subject Stroble thanking her for holding the elevator door and her saying, "you're welcome," there was no conversation between them while they were inside the elevator. Victim [redacted] then exited the elevator and went into the clerk's office. As she was writing a check to pay for her ticket, she noticed the same deputy (Subject Stroble) from the elevator, inside the clerk's office, and to her left. Subject Stroble showed her a plain piece of white paper and asked if it belonged to her. Victim [redacted] told Subject Stroble that the piece of paper was not hers. She recalled that Subject Stroble said the paper had the word "call" on it. Victim [redacted] completed her business and left the court building.

Victim [redacted] said she did not see anything other than a piece of paper in Subject Stroble's hand when he contacted her inside the clerk's office. She thought Subject Stroble was also holding a cell phone in his hand but she was not sure. She confirmed that she was not an acquaintance of Subject Stroble's and that she did not give him permission to take her picture. She was not aware if Subject Stroble had taken a picture of her. Victim [redacted] verified that she was wearing a summer dress with a hemline that extended three inches past her knees and a jean jacket. She also verified that she was wearing underwear and a girdle on the day of this incident. Victim [redacted] said Subject Stroble never touched her on that afternoon.

Victim [redacted] did not recall if Subject Stroble made eye contact with her as she left the court building. She did not recall seeing any gestures made by Subject Stroble and she did not know if he followed her out of the court building.

IAB Note: Victim [redacted] could not positively identify Subject Stroble in a photographic line-up presented by ICIB investigators. Refer to IAB Exhibit A, ICIB Book, pages 36 and 37.

ICIB investigators showed Victim [redacted] still pictures depicting the inside of clerk's office on June 14, 2011. Victim [redacted] confirmed that she was the woman in both pictures A and B; on picture B, she confirmed that it was the same deputy who she described as being in the elevator with her moments earlier. **Refer to IAB Exhibit A, ICIB Book, pages 38 and 39.**

Victim [redacted] confirmed that she was desirous of prosecution and the interview with ICIB investigators was concluded.

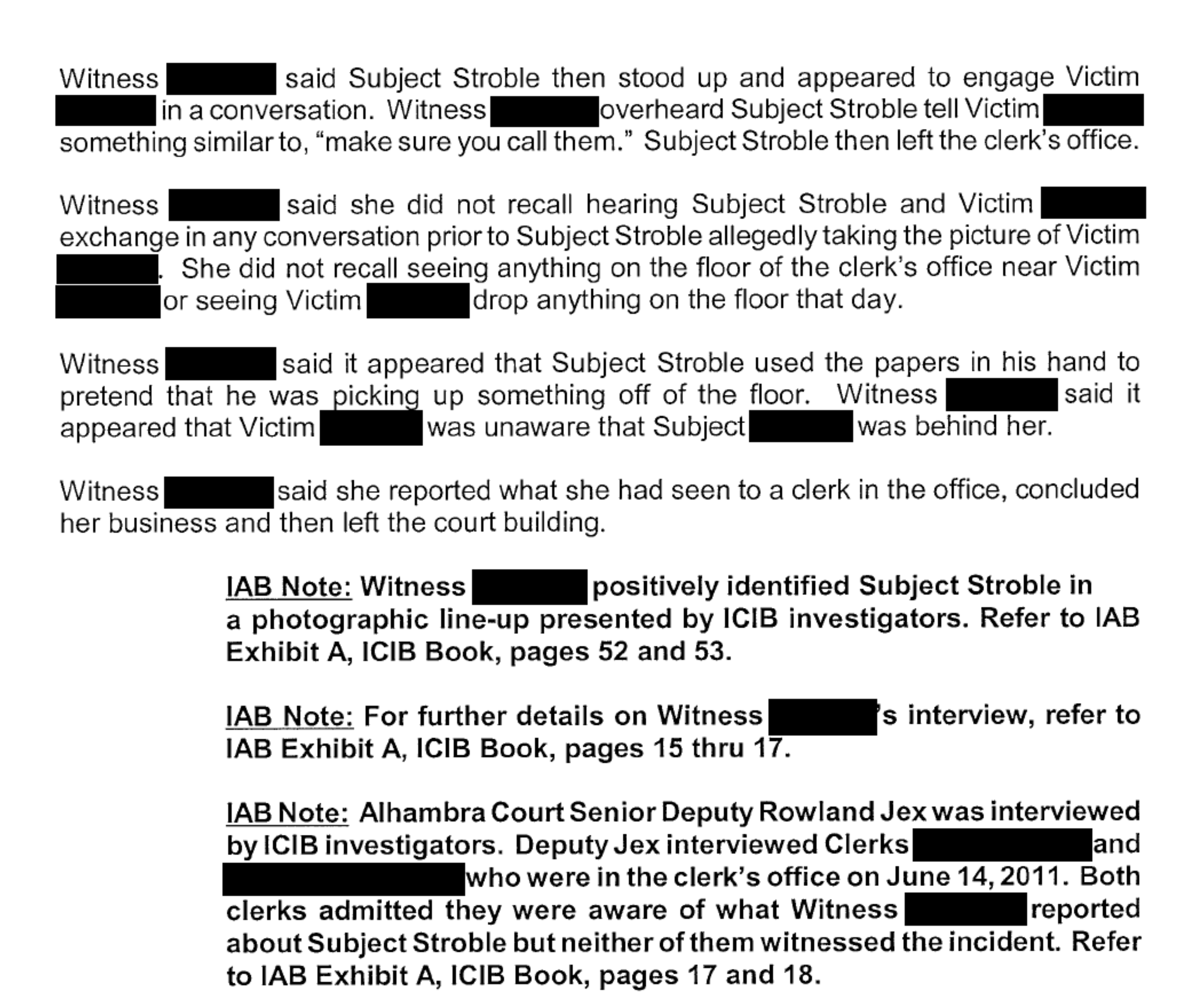
IAB Note: For further details on Victim [redacted]'s interview, refer to IAB Exhibit A, ICIB Book, pages 11 thru 13.

IAB Note: On June 22, 2011, Sergeant Craig obtained a search warrant for the search of Subject Stroble's work area and desk, including the desktop computer, at Personnel Administration Bureau. The search warrant also included Subject Stroble's residence, personal cell phone and personal email. Refer to IAB Exhibit A, ICIB Book, pages, 40 thru 47.

On June 24, 2011, ICIB investigators executed the search warrant at Subject Stroble's residence. Several items were seized, **refer to the seized property receipts authored by ICIB Sergeant Craig, IAB Exhibit A, ICIB Book, pages 49 thru 51.**

On June 28, 2011, ICIB Sergeants Scott Craig and John Kniest interviewed Witness [redacted]. Witness [redacted] confirmed that she was at the Alhambra Court, in the second floor clerk's office on June 14, 2011. She said as she waited in line at the criminal window, she saw a deputy (identified as Subject Stroble) that she recognized from working at [redacted] Court years ago. She said she was approximately twenty-five to thirty feet away from the traffic window and had an unobstructed view of the area. She saw Subject Stroble walk into the clerk's office, up to the traffic windows, and then walk out of the clerk's office. Approximately two minutes later, she saw a female (identified as Victim [redacted]) wearing a knee length skirt walk up to the traffic window. She then saw Subject Stroble re-enter the clerk's office and walk up behind Victim [redacted] at the traffic window.

Witness [redacted] said she saw Subject Stroble holding papers in his left hand and a what appeared to be a cell phone in his right hand. Witness [redacted] said she saw Subject Stroble bend down near Victim [redacted]'s feet. Witness [redacted] said she saw what appeared to be a telephone's screen facing up and it being illuminated. She did not hear a click or see a flash from what appeared to be a cell phone in Subject Stroble's hand. Witness [redacted] believed Subject Stroble acted like he was picking up papers off the floor as he very deliberately put his cell phone under Victim [redacted]'s skirt.



Witness [redacted] said Subject Stroble then stood up and appeared to engage Victim [redacted] in a conversation. Witness [redacted] overheard Subject Stroble tell Victim [redacted] something similar to, "make sure you call them." Subject Stroble then left the clerk's office.

Witness [redacted] said she did not recall hearing Subject Stroble and Victim [redacted] exchange in any conversation prior to Subject Stroble allegedly taking the picture of Victim [redacted]. She did not recall seeing anything on the floor of the clerk's office near Victim [redacted] or seeing Victim [redacted] drop anything on the floor that day.

Witness [redacted] said it appeared that Subject Stroble used the papers in his hand to pretend that he was picking up something off of the floor. Witness [redacted] said it appeared that Victim [redacted] was unaware that Subject [redacted] was behind her.

Witness [redacted] said she reported what she had seen to a clerk in the office, concluded her business and then left the court building.

> **<u>IAB Note:</u> Witness [redacted] positively identified Subject Stroble in a photographic line-up presented by ICIB investigators. Refer to IAB Exhibit A, ICIB Book, pages 52 and 53.**
>
> **<u>IAB Note:</u> For further details on Witness [redacted]'s interview, refer to IAB Exhibit A, ICIB Book, pages 15 thru 17.**
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> **<u>IAB Note:</u> Alhambra Court Senior Deputy Rowland Jex was interviewed by ICIB investigators. Deputy Jex interviewed Clerks [redacted] and [redacted] who were in the clerk's office on June 14, 2011. Both clerks admitted they were aware of what Witness [redacted] reported about Subject Stroble but neither of them witnessed the incident. Refer to IAB Exhibit A, ICIB Book, pages 17 and 18.**

Sergeant Craig authored an additional supplemental report documenting the findings of the search warrants and forensic examinations. The search of Subject Stroble's personal Yahoo account, his Samsung - Verizon (personal) cell phone, his LG work cell phone, CD's, flash drives, memory cards, his personal and work computers resulted in no additional evidence in the case against Subject Stroble. After a review of the records provided by Verizon Wireless (Subject Stroble's personal cell phone), there were no text messages sent or received on June 14, 2011, between 1218 and 1440 hours.

> **<u>IAB Note:</u> Subject Stroble told ICIB investigators that he had his cell phone out because he was text messaging his [redacted] as he entered the clerk's office at approximately 1320 hours.**

<u>IAB Note:</u> For further details, refer to IAB Exhibit A, ICIB Book, pages 19 thru 21. Also refer to IAB Exhibit A, ICIB Book, pages 54 thru 123 for Yahoo declaration and records, Verizon Wireless text messages and call history and Supplemental report from High Tech Task Force Detective Perry Ahn.

SUBJECT INTERVIEW

Subject- Deputy Steven Stroble #[redacted], Personnel Administration, was interviewed by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Jose Garcia on June 13, 2012, at 1012 hours. Subject Stroble was represented by Attorney Alfonzo Estrada from Green & Shinee. The interview took place at Internal Affairs Bureau and was digitally recorded. The following is a summary.

<u>IAB Note:</u> On the advice of his counsel, Subject Stroble acknowledged that he read the "Administrative Rights for Subjects" form but refused to sign it. Subject Stroble verbally acknowledged the questions and understood the instructions of the form.

Subject Stroble said he has been working for the Department for eighteen years. At the time of this incident on June 13, 2011, he had been assigned to Pre-Employment Backgrounds for approximately five years. He said that he was working overtime at the Alhambra Court from [redacted] hours to [redacted] hours on the date of this incident. He had worked the Alhambra Court and several other court assignments during the course of his career. Subject Stroble said he had been assigned as a bailiff in different types of misdemeanor and felony cases but could not recall if he had ever worked as a bailiff for any sexual related cases. He denied working as a bailiff during any types of cases where suspects were charged for taking pictures or videos of victims. Subject Stroble said he was aware of the video surveillance system at the Alhambra Courthouse. He said he had an occasion to see the court's surveillance system and review an incident, so he was aware how clear the video footage was.

<u>IAB Note:</u> At this point in the interview, Sergeant Bracken advised Subject Stroble that IAB investigators had a copy of the Alhambra Courthouse video surveillance in this incident and that it was available for his review at the conclusion of this interview. Refer to IAB Exhibit D.

Subject Stroble acknowledged that he had seen the video surveillance footage in this incident prior to this interview, during the court process of the criminal case.

During the ICIB interview on June 15, 2011, Subject Stroble acknowledge that he told ICIB investigators he was picking up a piece of paper that was allegedly near Victim [redacted] in the clerk's office on June 14, 2011. Subject Stroble said it was difficult for him to talk to ICIB Sergeant Scott Craig because he knew him on a personal level.

Subject Stroble also said that Sergeant Craig was one of his supervisors for approximately one year (2009 to 2010) when he (Subject Stroble) was assigned to assigned to a [redacted]. Subject Stroble said he and Sergeant Craig had a good relationship at the beginning of their working relationship but towards the end, they did not agree on certain things. Subject Stroble said he did not respect Sergeant Craig and did not feel he could trust him.

Subject Stroble acknowledged that the ICIB investigators, Sergeant Scott Craig and Sergeant Raymond Moeller told him that there was video surveillance and an independent witness to his actions on June 14, 2011. He said he did not give much thought to if the ICIB investigators were trying to trick him or lie to him during the first interview with them. Subject Stroble said he just was not sure about talking to them because of the past negative relationship with Sergeant Craig. Subject Stroble went on to explain that allegedly due to his friendship with Norwalk Station Lieutenant [redacted], he and Sergeant Craig had an uncomfortable relationship. His perception was that Sergeant Craig did not like him. Subject Stroble said that the thought of possibly getting into more trouble or losing his job by not being truthful during his ICIB interview did not cross his mind. He said he was more concerned about Sergeant Craig and personal repercussions.

Subject Stroble said he is aware that ICIB investigations are confidential but it was his personal opinion that Sergeant Craig would violate and jeopardize his (Sergeant Craig's) job by disclosing confidential information on a personal level. Subject Stroble said that he and Sergeant Craig have a mutual friend who works for the Department whom he (Subject Stroble) used to speak to frequently. Allegedly, that mutual friend has not spoken to him since the interview with Sergeant Craig.

> **IAB Note: Subject Stroble preferred not to disclose the mutual friend's name in this case. IAB investigators did not order Subject Stroble to disclose the person's name based on irrelevance and on the totality of the facts of this case; the video, the eyewitness, Subject Stroble's statements, and his plea deal.**

> **IAB Note: Even with alleged negative relationship with Sergeant Craig, Subject Stroble telephoned Sergeant Craig on two occasions after the interviews on June 15, 2012. Refer to Subject Stroble's transcriptions.**

Subject Stroble said he was initially surprised when ICIB investigators wanted to seize his cell phone that is why he told them, "No." He thought the investigators only wanted to look through his cell phone. After ICIB investigators advised him of their intent to obtain a search warrant for his cell phone either way, Subject Stroble consented to his cell phone being seized. He denied that there were any inappropriate pictures of other women on the cell phone.

Subject Stroble said after the first interview with ICIB investigators on June 15, 2011, Sergeant Craig asked him if there was anything he wanted to added to his statement. He acknowledged that Sergeant Craig gave him several opportunities to go back on the record and be re-interviewed. Subject Stroble said that is why he chose to be re-interviewed by ICIB investigators on that same day (June 15, 2011). Subject Stroble denied seeing Victim [redacted] prior to the incident in the second floor clerk's office. He denied seeing her in the elevator or in the second floor hallway prior to going inside the clerk's office.

> **<u>IAB Note:</u> During ICIB investigators interview with Victim [redacted], she alleged that she held the elevator door for Subject Stroble allowing him to enter as she rode it to the second floor of the courthouse. Victim [redacted] said the only conversation they had while in the elevator was Subject Stroble thanking her for holding the elevator door for him.**

Subject Stroble said when he has worked the Alhambra Courthouse on prior occasions his normal routine was to conducted random security checks throughout the building. He could not recall if he conducted checks on all four floors of the courthouse on June 14, 2011. He said when he first walked into the second floor clerk's office he did not see Victim [redacted]. He said there were several people at the traffic clerk's counter **(the video footage only showed Victim [redacted] at the counter)**. He said within five to ten seconds of being in the clerk's office he formed the plan to take Victim [redacted]'s picture. He said he did not choose Victim [redacted] because she was alone or because she was distracted at the traffic counter; he said there was no plan as to why he chose Victim [redacted]. He denied that he cased the clerk's office prior to forming his plan to photograph Victim [redacted].

Subject Stroble said he intended on taking the picture of Victim [redacted] to send to his [redacted]. He said he thought it would be funny and his [redacted] would laugh. He intended on taking a picture of her leg around her knee area. Subject Stroble said as he leaned down to take the picture, he said to himself, "oh wait, what am I doing? This would look bad;" based on this Subject Stroble said he did not take the picture. Subject Stroble said he thought to himself that his action was very immature and was not funny, this is what made him not take the picture of Victim [redacted].

Subject Stroble said his [redacted] often sent him pictures of women's body parts but he denied that he ever reciprocated by sending or taking those types of pictures. He said often times he would look at a picture sent by his [redacted], delete the picture, and if it was funny, he would text his [redacted], "ha, ha." Subject Stroble agreed that it is wrong to take a picture of someone without their permission. He said he was not aware that it was a crime to attempt to take someone's picture; he said if he would have taken Victim [redacted]'s picture it would have been a crime.

Subject Stroble admitted he asked Victim [redacted] if the paper in his hand belonged to her. He admitted that the paper in his hand was a note to himself to call an applicant. He denied that he used the paper in his hand as a ruse. Victim [redacted] told him the paper did not belong to her and he left the clerk's office. Subject Stroble said he believed that Victim [redacted] would have asked him, "why are you doing that?" if she found out he was taking a picture of her leg. He said he did not consider Victim [redacted]'s feelings, he was more "in awe" of himself that he actually thought his actions would have been funny. He said he did not think about his actions being a violation of Victim [redacted]'s privacy.

Subject Stroble denied that he had ever taken pictures of women's legs. He said this incident was his first time attempting to take this type of picture of a woman's leg. Subject Stroble said if he was with his [redacted] or [redacted] and he saw a male taking a picture of his [redacted]s leg, his reaction would have been to ask the male, "What are you doing, why are you taking a picture of my [redacted]'s leg?" He would be perplexed as to why the male was taking the picture. He said he would not be angry but it would depend on what part of his [redacted] or [redacted]s body was being photographed. Subject Stroble said if he saw a deputy sheriff lean down with a phone, appearing to be under his [redacted]'s dress and then back away, he would be very upset.

Subject Stroble said he had the Samsung (personal) cell phone in this incident for approximately one year. The location of the camera on that cell phone was on the face of the phone, near the Verizon logo. He believed that his cell phone had an audible camera sound where people can hear a picture being taken. Subject Stroble claimed he was not very technical and was not sure how to disable the audible camera sound or the camera's flash. He said that his [redacted] often used that Samsung cell phone to take pictures. He said the face of the cell phone would be illuminated if the camera was activated. Subject Stroble denied that the cell phone malfunctioned as being the reason why he did not take the picture of Victim [redacted].

> **<u>IAB Note:</u> For a picture of Subject Stroble's personal cell phone and work cell phone and a print out of the same model Samsung cell phone's specifications used in this incident, refer to IAB Exhibit E.**

> **<u>IAB Note:</u> On the video surveillance, it appeared that Subject Stroble's cell phone was illuminated while it was beneath Victim [redacted]'s skirt. Witness [redacted] also said she saw what appeared to be light coming from Subject Stroble's cell phone as it was beneath Victim [redacted]'s skirt.**

Subject Stroble did not know if his Samsung cell phone had a micro SD card inside of it at the time of this incident. He denied taking a memory card out of that cell phone prior to ICIB investigators taking possession of it on June 15, 2011.

Subject Stroble said he was not attempting to take a picture of Victim [redacted]'s buttocks, or her crotch area. He said that thought never crossed his mind.

During the second interview with ICIB, Subject Stroble admitted that he never picked up anything off of the floor in the clerk's office that day. Subject Stroble also said, "he feared what he was about to do was a crime because of his thought process." His explained that statement to IAB investigators by saying if he actually had taken the picture, it would have been a crime. He said his actions on June 14, 2011, was more immaturity than it was criminal.

During one of the subsequent telephone calls on June 22, 2011, with ICIB Sergeant Craig, Subject Stroble said he had joined a sexual addiction support group. When IAB investigators asked him about that statement, Subject Stroble said he went to a support group in West Los Angeles which only had two other men in attendance. Subject Stroble said he went to this meeting soon after the incident on June 14, 2011 and that no one advised him to go.

Subject Stroble said he went to the meeting as a way to tell his story and help other people as sort of a mentor. Subject Stroble said that support meeting was a waste of time, the two men in attendance seemed to be in denial and were blaming society for there actions. Subject Stroble said the men did not seem to want to take responsibility for their own actions. Subject Stroble denied that he had any type of problem as his reason for going to that support group. Subject Stroble said he did not go to the support meeting to benefit himself. He went to that meeting to hopefully benefit another person.

During the second interview with ICIB investigators, Subject Stroble said he was text messaging his [redacted] as he entered the clerk's office on June 14, 2011. IAB Sergeant Bracken told Subject Stroble that no text messages were discovered during the forensic examination of his Samsung cell phone between 1218 hours and 1410 hours. Subject Stroble was inside the clerk's office between 1300 and 1330 hours. Subject Stroble could not explain the reason for that and still claimed that he was text messaging his [redacted].

During the second telephone call with ICIB Sergeant Craig on June 22, 2011, Subject Stroble inquired about contacting Victim [redacted] to apologize. Sergeant Craig told him that he should not contact her. During the interview with IAB investigators, Subject Stroble said he was not aware that this action would have been against Department policy. He also said if he would have contacted her he would have apologized for everything and that acknowledged that Victim [redacted] possibly would have a "bad taste" in her mouth about law enforcement in general. Subject Stroble said he also would have explained to her that, "he was trying to take a picture of her leg, he thought it would be funny, it was not funny and that it was pretty immature."

During the IAB interview, Subject Stroble denied that he had his telephone number written on that piece of paper in his hand in order to give it to Victim [redacted]. He also denied that he had ever seen any incidents on the television news where people have either been videotaped or photographed in their homes or in restaurant restrooms. Subject Stroble then said he had seen similar news stories but not recently.

Subject Stroble said he understood the criminal charge that he was charged with in this case. He was sentenced to three years probation, and forty hours of community service. He said he has completed the required forty hours of community service. Subject Stroble said he agreed to a plea deal in this case due to extreme financial hardship. He said he did not qualify for a public defender and he could not afford a private attorney.

Subject Stroble said he had worked the Alhambra Courthouse approximately thirty to forty times prior to this incident. He had worked at the metal detectors, as a bailiff and as back up security throughout the facility. He said there were no signs posted at that courthouse about photography being prohibited.

IAB Sergeant Bracken showed him a picture of a signs **(IAB Exhibit F)**, which advised that no cell phones or photography were allowed in the courthouse. Subject Stroble said those signs were not posted in the courthouse at the time of this incident. As far as he knew, it was okay to have his cell phone and/or take pictures at that courthouse.

> **IAB Note:** **Sergeant Bracken spoke to Alhambra Court Sergeant Tracy Crow via telephone on 06/26/12. Sergeant Crow has been assigned to Alhambra Court for six years and the signs regarding "No photography" have been posted throughout the court building since he has been assigned there. This conversation was not digitally recorded as it was for information only.**

At this point in the interview, Sergeant Bracken told Subject Stroble that his intent to take a picture of Victim [redacted]'s leg did not seem believable and gave him an opportunity to change his answer. Subject Stroble did not change his answer. Subject Stroble did not believe that it was appropriate for Sergeant Craig to conduct the criminal investigation. He believed that it was a conflict of interest based on their history. He believed that the criminal charge against him was " just incredible."

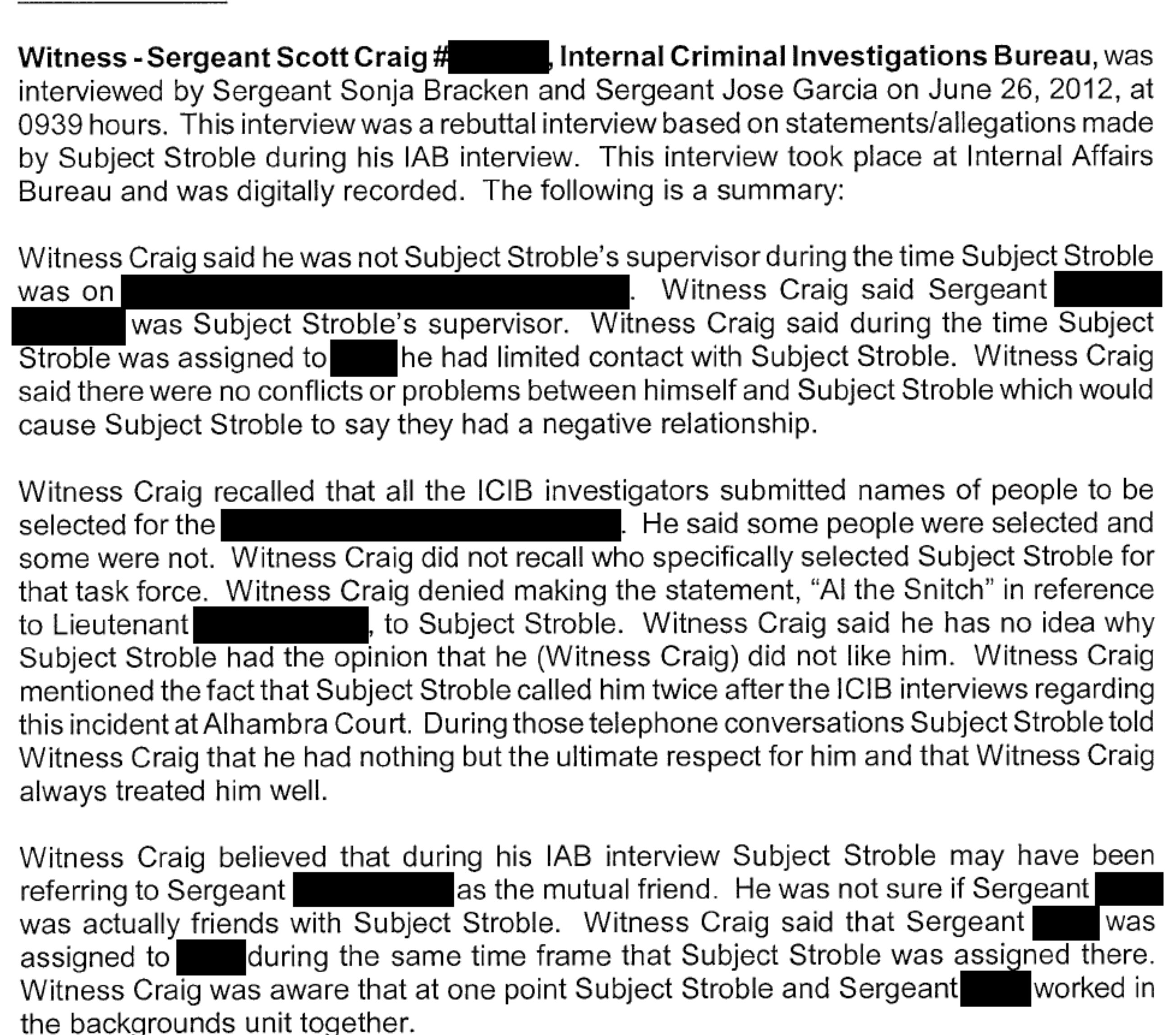
Subject Stroble said prior to his actions on June 14, 2011, he considered the affects on his family if he actually had taken the picture of Victim [redacted]. He did not think of the criminal aspect of his actions. Subject Stroble said he was familiar with the Department's Core Values. He said he thought of them before contemplating taking a picture of Victim [redacted], that is why he did not take the picture. He said he considered the Core Values in their entirety. Subject Stroble also said he considered how his actions might effect the reputation of the other personnel at the Alhambra Court, which is also why he did not take the picture. He believed that if he would have completed taking the picture of Victim [redacted], he would have brought discredit to himself and the Department.

Subject Stroble said he was not sure how Sergeant Craig informed Victim [redacted] about the incident in the clerk's office on June 14, 2011. He believed that if Sergeant Craig would have told her that a deputy tried to take a picture of your leg, it would have sounded different to Victim [redacted]. He believed that Sergeant Craig may have told Victim [redacted] that a deputy was taking a picture of her crotch area, which made things seem worse than they actually were.

Subject Stroble said if he could change what he had done, he would have "maintained maturity and not give into immaturity." He classified this incident as a very, very brief lapse in maturity.

Subject Stroble did not have anything else to say on his behalf. At the conclusion of this interview, Subject Stroble was given the opportunity to review the video surveillance in the incident and clarify any points. He declined to see the video.

> <u>IAB Note:</u> **For further details on the ICIB interviews, refer to IAB Exhibit A, ICIB Book, pages 7 through 11 and also page 14. Also refer to Subject Stroble's transcribed ICIB and IAB interviews.**



<u>**Sworn Witness**</u>

Witness - Sergeant Scott Craig #[redacted], Internal Criminal Investigations Bureau, was interviewed by Sergeant Sonja Bracken and Sergeant Jose Garcia on June 26, 2012, at 0939 hours. This interview was a rebuttal interview based on statements/allegations made by Subject Stroble during his IAB interview. This interview took place at Internal Affairs Bureau and was digitally recorded. The following is a summary:

Witness Craig said he was not Subject Stroble's supervisor during the time Subject Stroble was on [redacted]. Witness Craig said Sergeant [redacted] was Subject Stroble's supervisor. Witness Craig said during the time Subject Stroble was assigned to [redacted] he had limited contact with Subject Stroble. Witness Craig said there were no conflicts or problems between himself and Subject Stroble which would cause Subject Stroble to say they had a negative relationship.

Witness Craig recalled that all the ICIB investigators submitted names of people to be selected for the [redacted]. He said some people were selected and some were not. Witness Craig did not recall who specifically selected Subject Stroble for that task force. Witness Craig denied making the statement, "Al the Snitch" in reference to Lieutenant [redacted], to Subject Stroble. Witness Craig said he has no idea why Subject Stroble had the opinion that he (Witness Craig) did not like him. Witness Craig mentioned the fact that Subject Stroble called him twice after the ICIB interviews regarding this incident at Alhambra Court. During those telephone conversations Subject Stroble told Witness Craig that he had nothing but the ultimate respect for him and that Witness Craig always treated him well.

Witness Craig believed that during his IAB interview Subject Stroble may have been referring to Sergeant [redacted] as the mutual friend. He was not sure if Sergeant [redacted] was actually friends with Subject Stroble. Witness Craig said that Sergeant [redacted] was assigned to [redacted] during the same time frame that Subject Stroble was assigned there. Witness Craig was aware that at one point Subject Stroble and Sergeant [redacted] worked in the backgrounds unit together.

Witness Craig said his ICIB investigations are only discussed within his unit. He said he would not discuss anyone's personal business with anyone outside of ICIB. Witness Craig did not recall specifically telling Subject Stroble, "you're making a mountain out of a mole hill" or "you're making a big deal about this."

Witness Craig said after the first interview with Subject Stroble he (Witness Craig) discussed with his partner Sergeant Ray Moeller that Subject Stroble was not being truthful. Subject Stroble then re-approached them wanting to clarify his initial statements. Witness Craig said he advised Subject Stroble of the allegations against him prior to and during their interview. Witness Craig said he did not quote a specific penal code section to Subject Stroble. Witness Craig could not recall if he told Subject Stroble that the charge against him would be a felony or misdemeanor. Witness Craig said he may have downplayed the severity of the situation in order to get Subject Stroble to admit what he did.

Witness Craig said he conducted an unbiased investigation in this incident. He said there are times where he would recuse himself from an investigation but this incident did not fit the criteria. Witness Craig said he was professionally acquainted with Subject Stroble and that was the extent of it.

Witness Craig said years ago, as a detective, he used 647 (J)(2) Penal Code, in previous cases, but back then the penal code section was 653(k)(k) Penal Code **(Sergeant Bracken was unable to locate this penal code section)**. He said he had seen other cases where 647 (J)(2) Penal Code was filed and the suspects were later sentenced. Witness Craig said the day that he was interviewing witnesses in this incident, there was a trial going on at El Monte court for 647 (J)(2) Penal Code. He was not aware of the outcome in that case.

Witness Craig recalled advising Victim [redacted] that a deputy either attempted to or did take a picture up her skirt. He did not think he used the words, "crotch or buttocks" when telling Victim [redacted] what had occurred.

Witness Craig said there were no cameras in the elevators at Alhambra Court. Witness Craig could not recall if he saw signs reading "No photography" **(IAB Exhibit F)** at Alhambra Court but he was familiar with those types of signs at other courts.

IAB Note: **For further details on this interview, refer to Witness Craig's transcribed IAB interview.**



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



January 22, 2013

Amended Letter

Deputy Steven Stroble, [redacted]

Dear Deputy Stroble:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business February 12, 2013.

An investigation under IAB File Number IV2290551, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to 647 (j) (2) P.C., Disorderly Conduct, Unauthorized Photography,) on or about June 14, 2011, while on duty and in uniform, you attempted to take surreptitious photographs with your cellular phone camera of an unsuspecting woman, [redacted] at Alhambra Courthouse when you positioned your camera in a manner that would capture an image of her exposed leg or unexposed leg which was covered by her dress. Your admitted actions damaged the reputation of, and/or eroded the public's confidence in the Department. On March 1, 2012, you plead Nolo Contendere to 647 (j) (2) P.C., Disorderly Conduct, Unauthorized Photography. You were

placed on summary probation for 36 months, assigned community service, and ordered to pay fines and restitution. Your admitted actions brought discredit upon yourself and the Department, and/or involved moral turpitude causing disrepute to the Department. You also failed to perform in conformance to the work standards established for your position, and/or failed to treat [redacted] in a respectful, courteous, and civil manner by positioning your camera in a manner which could capture images underneath [redacted] dress.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Investigations; and/or 3-01/040.70, False Statements, on or about June 15, 2011, you knowingly made false and/or misleading statements regarding your actions of attempting to take surreptitious photographs of an unsuspecting woman at the Alhambra Court facility, and/or the surrounding circumstances regarding the incident, as evidenced by, but not limited to:

   a. denying being in the traffic office at the Alhambra Courthouse on or about June 14, 2011, and/or words to that effect, and/or;

   b. denying entering into the traffic office a second time before approaching [redacted] on June 14, 2011, and/or words to that effect, and/or;

   c. denying positioning your cellular telephone underneath a woman's dress, and/or;

   d. stating you retrieved a piece of paper from the floor and asked [redacted] if it belonged to her, or words to that effect, and/or;

   e. stating, "And as I walked out, I saw it (referring to the paper), ignored it, text my wife to tell her where I was (inaudible) down, picked it up, walked around her," and/or;

f. stating you provided a different version of events since you worked with Sergeant Scott Craig and did not respect or trust him, and/or words to that effect, and/or;

g. stating you only entered the traffic office once, and/or words to that effect, and/or;

h. stating the piece of paper you either retrieved from the floor or had was a note for yourself to call a job applicant based on his primary duties as a pre-employment deputy, or words to that effect.

3. That in violation of Manual of Policy and Procedures Section and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 3-01/040.85, Cooperation During Criminal Investigation, on or about June 16, 2011 and/or June 22, 2011, you contacted Internal Criminal Investigations Bureau personnel and provided personal information not related to your investigation and attempted to gauge their progress in the matter as evidenced by, but not limited to the following;

a. explaining you were the "president" of a little league girls softball team and/or words to that effect;

b. asking if you should find new employment, and/or words to that effect, and/or;

c. explaining that your actions were a "twenty minute mistake," and/or words to that effect, and/or;

d. stating you joined a sexual addiction support group, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Acting Division Director Glen Dragovich, on February 11, 2013, at 1030 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to February 11, 2013, for your oral response, please call Acting Division Director Dragovich's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Acting Division Director Dragovich's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Acting Division Director Dragovich's office by no later than February 11, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:pmp

c: Advocacy Unit
Employee Relations Unit
Glen Dragovich, Acting Division Director, Administrative Services Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2290551)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

October 8, 2014

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***STEVEN STROBLE*** *for a hearing on his* **discharge**, *effective February 14, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-069**.

The Civil Service Commission, at its meeting held on October 1, 2014 approved findings in the above-entitled case. The Department's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Steven Stroble
Leslie Wilcox
Vincent McGowan
Samuel Reyes

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective February 14, 2013, from the position of Deputy Sheriff, Sheriff's Department, of* **STEVEN STROBLE** **(Case No. 13-069)**	ORDER OF THE CIVIL SERVICE COMMISSION

On October 1, 2014, the Civil Service Commission of the County of Los Angeles overruled the Department's objections and adopted as its final decision the findings and recommendation of the Hearing Officer, Samuel Reyes, to reduce the discharge to a thirty (30) day suspension, but awarded no back pay. The Department did not sufficiently prove that the discipline was appropriate. Commissioner Martinez dissented.

Dated this 8th of October, 2014.

Dissented

EVELYN V. MARTINEZ, President

NAOMI NIGHTINGALE, Member

CAROL FOX, Member

JOHN DONNER, Member

Z. GREG KAHWAJIAN, Member



BEFORE THE
CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

In the matter of the **discharge**, effective February 14, 2013, of **STEVEN STROBLE**, from the position of Deputy Sheriff, Sheriff's Department.	Case No. 13-069

HEARING OFFICER'S REPORT

This matter came before Samuel D. Reyes, Hearing Officer, on November 21 and 22, 2013, and on March 20, 2014.

Vincent C. McGowan, Attorney at Law, represented Sheriff's Department (Department).

Leslie L. Wilcox, Attorney at Law, represented Steven Stroble (Appellant), who was present at the hearing.

Oral and documentary evidence was received at the hearing. The record was left open for the submission of one additional exhibit by the Department and for closing argument after preparation of the transcript of proceedings. On or about March 28, 2014, the Department submitted an audio disc of the Internal Criminal Investigations Bureau (ICIB) interview of [redacted] which, without objection, has been marked and received in evidence as Exhibit 46. The parties submitted their respective closing briefs on May 20, 2014 (Department) and May 21, 2014 (Appellant), and the matter was submitted for decision.

ISSUES

On August 15, 2013, the Commission defined the issues to be decided at the hearing as follows:

1. Are the allegations contained in the Department's letter of February 19, 2013, true?

2. If any or all are true, is the discipline appropriate?

SUMMARY OF EVIDENCE AND DISCUSSION

The Department called four witnesses: Sergeant Scott Craig (Craig), Division Director Glen Dragovich (Dragovich)[redacted] and [redacted] Appellant testified in his own behalf.

The Department submitted the following 47 exhibits, all of which were received in evidence: Amended Intent to Discharge Letter (Exhibit 1); Discharge Letter (Exhibit 2); Disposition Sheet (Exhibit 3); Investigative Summary (Exhibit 4); Department Policy (Exhibit 5); Appellant's ICIB Interview – Part 1 (Exhibit 6); Appellant's ICIB Interview – Part 2 (Exhibit 6A); Appellant's ICIB Interview – Part 3 (Exhibit 6B); Appellant's Phone Call to ICIB (June 16, 2011) (Exhibit 7); Appellant's Phone Call to ICIB (June 22, 2011) (Exhibit 8); Appellant's IAB Interview (Exhibit 9); Daily In-Service Shift – Alhambra Court (Exhibit 10); Expanded Traffic Record System (Exhibit 11); Williams Memorandum (June 15, 2011 (Exhibit 12); Digital Photographs of Crime Scene (Exhibit 13); Search Warrant for Appellant's Cell Phone (Exhibit 14); Subpoena for Appellant's Verizon Account (Exhibit 15); Photographic Line-Up Admonition -[redacted] (Exhibit 16); Photographs Shown to Zamora (Exhibit 17); Receipt of Seized Property (Exhibit 18); Receipt of Seized Property – 3 CDs (Exhibit 19); Photographic Line-Up Admonition – [redacted] (Exhibit 20); Verizon

Wireless Text Message and Call History Report (Exhibit 21); Supplemental Report from Detective Ahn (Exhibit 22); Alhambra Court Minutes (Exhibit 24); Appellant's Cell Phone Pictures and Specifications (Exhibit 25); Photographs of Court Signs (Exhibit 26); Department Core Values (Exhibit 27); Class Specifications – Deputy Sheriff (Exhibit 28); Disciplinary Guidelines (Exhibit 29); Government Claim by [redacted] Exhibit 30); Full Release and Settlement [redacted] (Exhibit 31); Check Issued to [redacted] Exhibit 32); Letter of Suspension (April 4, 2006) (Exhibit 33); Commission Notice Regarding Certification of Issue (Exhibit 34); Misdemeanor Complaint and Arrest warrant (Exhibit 35); Supplemental Report from Craig (Exhibit 36); Interview CD (Appellant) (Exhibit 37); June 15, 2011 Phone Call CD (Exhibit 38); June 22, 2011 Phone Call CD (Exhibit 39); IAB Interview CD (Appellant) (Exhibit 40); DVD with Footage from Camera 14 (Exhibit 41); DVD with Footage from Camera 15 (Exhibit 42); DVD with Footage from Camera 17 (Exhibit 43); Appellant's Training Records (Exhibit 44); Letter of Suspension (October 18, 2013) (Exhibit 45); and Interview CD (Paoletto) (Exhibit 46).

Appellant submitted the following seven exhibits, all of which were received in evidence: Transcription of ICIB Interview [redacted] (Exhibit A); Search Warrant (June 22, 2011) (Exhibit B); Transcript of Interview (Craig) (Exhibit C); Transcript of Interview (Paoletto) (Exhibit D); Performance Evaluations (Exhibit E); Commendations (Exhibit F); and Superior Court Docket (Exhibit G).

Appellant's Employment and Assignment

Appellant started his employment with the Department on January 23, 1995. After completing the Department's Academy, he worked in several custody assignments, on patrol, and in several courthouses. He worked patrol at the [redacted] and at the [redacted]

[redacted]

Appellant submitted his last 12 performance evaluations, dated February 23, 2012, July 14, 2010, June 11, 2009, April 9, 2009, July 26, 2007, July 7, 2007, October 23, 2006, August 22, 2005, December 1, 2004, December 29, 2003, January 3, 2003, May 1, 2001, all

[redacted]

[redacted] He was a diligent investigator, and wrote comprehensive and thorough reports. He was frequently assigned to handle sensitive and high profile cases. He handled them in a timely and professional manner. [¶] Deputy Stroble's work habits continued to be very good. He displayed a dedicated and enthusiastic attitude toward his job. He was a self-disciplined investigator, who consistently applied himself to his work and was always willing to assist a co-worker, if needed. . . . Deputy Stroble was courteous toward others. He treated his co-workers with respect and courtesy. He was tactful and polite when interacting with the public. He maintained a professional appearance and a positive attitude. He had a very good working relationship with his supervisor, as well as with his peers." (Exh. E, at p. 3.) The last evaluation prior to the incident [redacted]

June 14, 2011 Incident

The primary incident relied upon by the Department to discharge Appellant occurred on June 14, 2011. On that day, starting at noon, Appellant was working an overtime assignment as a bailiff in the Alhambra Courthouse. While the courtroom to which he was

assigned was not in session, Appellant walked around other areas of the Courthouse as a "rover" security bailiff.

At approximately 1:20 p.m. [redacted] a 34-year-old [redacted] went to the Clerk's Office on the second floor of the Alhambra Courthouse to pay a traffic citation. She was wearing a knee-length summer dress. [redacted] estified that a deputy, later identified as Appellant, came up behind her while she stood in the cashier line, tapped her on the shoulder, and asked her if a paper on the floor was hers. [redacted] urned and saw a folded sheet of white paper on the floor and said that it was not hers. The deputy asked her one more time if the paper was hers and she repeated that it was not. [redacted] then turned away from Appellant to attend to her business with the cashier.

[redacted] a [redacted] who was standing in line in front of another window to turn in transcripts, saw Appellant approach a woman standing in the cashier line. [redacted] had worked with Appellant in another courthouse and recognized him as a bailiff, but did not know the woman, who turned out to be [redacted] was standing about 20 to 25 feet away and had an unobstructed view of Appellant and [redacted] saw that Appellant bent down behind [redacted] and appeared to be picking up papers with his left hand. He had a cellular phone in his right hand, which he "deliberately" placed under [redacted] skirt. She did not hear a "click" or see a flash to indicate that a picture had been taken. Appellant then had a brief verbal exchange with [redacted] before leaving.

Video recordings from three cameras depicting footage inside and outside the Clerk's Office were received in evidence. All three establish that Appellant entered the Clerk's Office twice. On the first occasion, he did a quick walk-through of the office, which lasted about 15 seconds. He returned approximately 20 seconds later and walked to the window

where [redacted] was standing. He carried papers in his left hand and what appeared to be a cellular phone in his right hand. He bent down behind [redacted] to her left. The video recordings do not show the placement of his right hand or depict his phone when he was stooping. No flash was visible in any of the video recordings. Appellant then approached [redacted] on her right and spoke to her. He appeared to have the documents on his left hand as he spoke to her. He left after a brief conversation. He was inside the Clerk's Office approximately 30 seconds.

Appellant testified that he noticed [redacted] standing in line and thought it would be "funny" to take a picture of her leg. His brother and others had been sending him different pictures they thought were funny and Appellant wanted to send a picture to them. He had papers in his left hand and "leaned over" toward [redacted] to take the photograph. Before he could take a picture, Appellant testified, he realized the immaturity of his planned act and stopped. Appellant denied actually placing the phone under [redacted] skirt and denied taking a picture of her. He did ask [redacted] if the papers he had in his hands were hers, to which she provided a negative reply.

[redacted] testimony is credited when in conflict with Appellant's. She had an unobstructed view and witnessed the entire incident [redacted] was a disinterested and very reluctant witness, who on multiple times had to be referred to a summary of her prior statement to ICIB investigators. [redacted] testimony is consistent with her statement to ICIB, which was given closer in time to the incident, is consistent with a contemporaneous statement to Sergeant Ronald S. Williams (Williams) discussed below, and is partially corroborated by video evidence and by Appellant's own testimony. Significantly [redacted] testimony establishes that Appellant placed the cell phone under [redacted] skirt.

ICIB seized Respondent's County-issued cell phone and his personal cellular telephone. No photos of [redacted] were found on either device.

The Department established that Appellant intended to take a photograph of parts of [redacted] leg not covered by her dress as well as of parts covered by the dress. Respondent admitted his intent to take a surreptitious photograph of [redacted] exposed leg. His plan was evident from his return to the Clerk's Office and from his use of papers as a pretext to approach the woman.

Appellant's testimony that he did not go through with his plan was not refuted by credible evidence, and is credited. The video shows him stooping next to [redacted] but does not depict the action of his right arm. Both Appellant and [redacted] agreed that Appellant did not take a picture. No flash is visible to support the inference that a photograph was taken, and forensic analysis of the cellular phone failed to produce evidence that a photograph was taken. Accordingly, the evidence does not establish that Appellant actually took a photograph of [redacted]

Alleged False Statements

[redacted] told one of the clerks that she thought a deputy had taken a surreptitious picture of a person at the Clerk's Office, and the clerk reported it to Department personnel. Craig was assigned to investigate the matter on June 15, 2011. He spoke to the clerk who had spoken to [redacted] and obtained video footage of the incident. After reviewing the footage, Craig concluded that the complaint had merit. Craig also obtained a memorandum from Williams, a sergeant at the El Monte Courthouse who had spoken with [redacted] As reported by Williams, [redacted] told him that she saw a deputy bend over and place his cellular phone beneath a woman's skirt.

On June 15, 2011, Craig met with Appellant and had several conversations with him, some of which were recorded. When first contacted by the ICIB investigators, as the allegations were being described, Appellant denied having been at the Alhambra Courthouse the day before.

In the first recorded interview,[1] which started at 1:50 p.m., Craig informed Appellant that he had taken Appellant's County-issued cell phone and informed Appellant that he would take his personal phone. Appellant thereafter consented to a search of his personal cell phone and the interview paused for the phone to be retrieved.

A second recorded interview commenced at 1:55 p.m. Scott's partner, Sergeant Raymond Moeller, was also present. Appellant was again informed that allegations had been made that he had taken an unauthorized photograph of a woman at the Alhambra Courthouse, and he agreed to speak to the ICIB sergeants. Appellant told the investigators that he walked into the Clerk's Office and that after engaging in small talk with one of the clerks he noticed a folded piece of paper next to a woman standing in line. He asked the woman if the paper was hers. She replied that it was not. A clerk then stated that the paper may have belonged to a woman who was previously in line. Appellant said he picked up the note, read it and later threw it away. He recalled that the paper said "call," but did not remember if it had a number. In response to follow-up questions, Appellant said that he had a cell phone in his right hand and that he was texting his wife. He denied having entered the Clerk's Office on any other occasion on June 14, 2011. He agreed that he had papers in his

[1] While Appellant was not asked specific questions about the June 14, 2011 incident during this first recorded encounter, he was asked about his cell phone and about whether he consented to a search of the phone. For the sake of clarity and consistency, this encounter is

left hand when he approached the woman, but denied placing the note on the floor the note about which he spoke to the woman. The ICIB sergeants repeatedly urged Appellant to tell the truth because the incident was on video. Appellant did not change any of his statements, and the interview ended at 2:15 p.m.

The third recorded interview, requested by Appellant, started at 2:35 p.m. Appellant told the ICIB investigators that he wanted to clarify his prior statement. Appellant stated that he went to the Clerk's Office on second floor to check on things and saw [redacted] He decided to take a picture of her leg, at the skirt area. His plan was to send it to his brother, who at times sent him "stupid" pictures. He got close to her, leaned over to take the picture, and then stopped, realizing what a stupid thing he was about to do. He did ask [redacted] if she had dropped a piece of paper. He had some papers in his left hand, but did not pick up any papers from the floor. He denied using the papers he had as a ruse to approach her or engage her in conversation. He denied attempting to take a picture under [redacted] skirt or between her legs, and denied that such was his intention. He denied taking any picture of the woman. He described his actions as stupid, immature, and a "temporary poor thought process." Appellant testified that he figured that it would not be a crime as long as he did not take the picture up the woman's skirt.

Appellant testified that he was not truthful during his second recorded interview because he was humiliated and embarrassed about his actions on June 14, 2011. However, after the conclusion of the interview he decided to provide a truthful account of the incident, and asked the investigators to allow him to tell the truth.

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referred to as the first interview and the other two as the second and third interviews, respectively.

Appellant testified about his off-tape conversations with the ICIB sergeants. He knew Craig from his brief assignment at ICIB. Before the second recorded interview, Appellant testified that Craig kept telling him that he was making a mountain out a mole hill. Before the last recorded interview, Craig purportedly told Appellant that "this is not a big deal."

The Department established that Appellant made several false statements in his second recorded interview. As established by credible testimony and video evidence, he initially denied being in the Alhambra Courthouse. He entered the Clerk's Office on two occasions, not the single time he discussed in this second interview. Appellant did not pick up the paper next to [redacted] or read its contents, as he initially claimed. Nor was he texting [redacted] at or about the time he approached [redacted] He positioned the cell phone underneath [redacted] dress, which he denied in the second and third interviews.

<u>Appellant's Subsequent Contacts with Craig</u>

After the recorded interviews concluded on June 15, 2011, Appellant asked Craig what he should do to clear up the matter. Scott replied that it would look good if Appellant were to attend sexual addiction classes. Appellant asked why, and Craig said to trust him, that it would look good. According to Appellant, Craig said that if he needed anything else to give him a call. Craig did not directly contradict Appellant's testimony, and the statements attributed to Craig are consistent with his recorded statements, discussed below.

On June 16, 2011, Appellant called Craig, and Craig recorded the conversation. Appellant started the conversation by asking about his phone. He reported that he was the president of a girls softball team and that potentially about 200 people could be calling the number during an upcoming competition. Appellant said he did not want to "screw this up," and asked if he could turn the seized phone off and get a new phone and number. Craig said

that it was no problem. Craig stated that he had mailed a copy of a receipt for the phone, and agreed to mail it to Appellant's new employment location instead of his home.

Appellant then asked about how long the investigation would take. Craig reported that the case could be with the District Attorney in a month or two, and added "There ain't a whole lot to this, so …" (Exh. 7, at p. 3.). Appellant asked about the matter going to the Internal Affairs Bureau (IAB) and Craig replied that IAB would get the case when ICIB was done. Appellant then asked about how long it would take after that, and Craig provided estimates. Appellant asked if his email had been shut down because staff at his new assignment could not find him in the system. Craig confirmed that the email account had been frozen, and asked if he could clarify the situation for anyone. Appellant asked if there was any other information he could provide, and was told that there was not.

Appellant and Craig then discussed the seriousness of the allegations. Appellant asked if this would be a career ending misdemeanor, to which Craig replied that he did not know, but that one or two years before it used to be. Appellant asked if he should be looking for a new job, and Craig replied that it was premature. Craig stated there were things in Appellant's favor, like his captain liked him and that he decided to "come clean" in a manner of minutes, not days. He also stated that Appellant did not need to give up.

Craig told Appellant: "You know what, I'll keep you - - I'll keep you appraised of when I take it down to JSID [the District Attorney's Justice System Integrity Division] and, you know, what the gut feeling is, and what the read is, and I'll tell you. I mean it's not a secret. It's not like, you know, we're doing some super secret thing. I mean it is what it is." (Exh. 7, at p. 10.) Toward the end of the conversation, Craig told Appellant that he would

keep him updated, and when Appellant replied "Hopefully as often as possible," Craig stated: "Yeah. No big deal. If you don't hear from me, just call me." (Exh. 7, at p. 11.)

Appellant called Craig again on June 22, 2011, and the conversation was also recorded. Appellant reported on conversations with his captain, Kevin Hebert, about remedial steps he was taking, such as contacting Employee Support Services and a sexual addiction group outside the Department. Appellant expressed regret about his actions, which he referred to as a twenty-second stupid thought. Appellant asked about the potential criminal charges and about the timing of the charges. Craig told Appellant that he was on the right track and to wait for resolution of the matter.

Craig testified that he believed Appellant was trying to influence him during the conversations, but that he was not influenced by Appellant.

Appellant's statements to Craig on June 16 and 22, 2011, did not constitute obstruction, interference or undue influence of the Department's investigation. While he made the statements alleged in the Department's letter dated February 19, 2013, the circumstances in which the statements were made preclude a finding of obstruction, interference or undue influence. In brief, Appellant was acquainted with Craig, Craig encouraged the contact and suggested remedial actions, and the statements themselves did not rise to the level that would constitute obstruction, interference or undue influence.

Subsequent Proceedings

[redacted] learned about Appellant's conduct and was very upset about it. On August 26, 2011, she filed a Claim for Damages Pursuant to California Government Code section 910 with the County of Los Angeles Board of Supervisors. The claim led to a November 2011 settlement and a $10,000 payment to [redacted]

On March 1, 2012, in the Superior Court, Pasadena Courthouse, County of Los Angeles, in case number 1AH03551, Appellant was convicted, on his plea of no contest, of violating Penal Code section 647, subdivision (j)(2) (disorderly conduct: unauthorized photography), a misdemeanor.[2] Imposition of sentence was suspended, and Appellant was placed on summary probation for three years on terms and conditions that included payment of $340 in fines and fees, and performance of 40 hours of community services. Appellant complied with the terms and conditions of probation, and probation was terminated early, on January 13, 2014. On February 4, 2014, the court granted Appellant's motion pursuant to Penal Code section 1203.4, and set aside the conviction and dismissed the criminal complaint.

<u>Appellant's Prior Discipline</u>

On October 18, 2003, Appellant received a one-day suspension for failing to provide a physician's certificate to substantiate an illness for which he stayed off work for one day. On April 26, 2006, he received a one-day suspension for failing to keep a handgun for safekeeping and returning it instead to its owner. Pursuant to a settlement, the suspension was held in abeyance for twelve months subject to conditions.

<u>IAB Investigation</u>

IAB Sergeants Sonja Bracken (Bracken) and Jose Garcia also conducted an investigation. The investigators reviewed the ICIB investigation and interviewed Appellant on June 13, 2012. An IAB Investigative Summary was thereafter prepared and submitted.

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[2] Appellant's conviction pursuant to a plea of no contest may not be used as Appellant's admission or to prove that Appellant actually took a photograph of [redacted] (*Cartwright v. Board of Chiropractic Examiners* (1976) 16 Cal.3d 762); *County of Los Angeles v. Civil Service Commission* (*Calzada*) (1995) 39 Cal.App.4th 620).

Department's Policies

The Department's Manual of Policy and Procedure (Manual) section 3-01/030.05 (General Behavior) states: "A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department." (Exh. 5, at p. 2.) Manual section 3-01/030.07 (Immoral Conduct) requires: "Members shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. [¶] Members shall not participate in any incident involving moral turpitude which tends to impair their ability to perform as law enforcement officers or causes the Department to be brought into disrepute." (Exh. 5, at p. 3.) Manual section 3-01/050.10 (Performance to Standards) requires Department employees to perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department. Manual section 3-01/030.15 (Conduct Toward Others) provides, in pertinent part, that "Members shall not intentionally antagonize any person with whom they come in contact and shall treat all persons in a respectful, courteous and civil manner." (Exh. 5, at p. 5.) Manual section 3-01/030.10 (Obedience To Laws), subdivision a), states: "Members shall not willfully violate any federal statute, state law or local ordinance." (Exh. 5, at p. 6.)

Manual section 3-01/000.10 (Professional Conduct) states that Department members shall be held accountable for their actions, conduct, and speech when behavior conflicts with the Department's core values, mission or creed. The Department's core values are as follows: "**As a leader** in Los Angeles County Sheriff's Department, I commit myself to **honorably** perform my duties with **respect** for the dignity of all people, **integrity** to do right and fight wrongs, **wisdom** to apply **common sense** and **fairness** in all I do and **courage** to stand

against racism, sexism, anti-Semitism, homophobia and bigotry in all its forms." (Exh. 27; emphasis in original.)

Manual section 3-01/040.75 (Failure to Make Statements and/or Making False Statements During Departmental Investigations), provides: "If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete and truthful statements. [¶] Failure or refusal to make statements, or making false statements during Department internal investigations, may result in disciplinary action." (Exh. 5, at p. 8.) Manual section 3-01/040.70 (False Statements) states: "Members shall not make false statements when questioned, interviewed or in reports submitted." (Exh. 5, at p. 9.)

Manual section 3-01/040.76 (Obstructing an Investigation/Influencing a Witness) prohibits employees from "[t]ak[ing] any action that could interfere with, delay, obstruct, distort or unduly influence any investigation," taking any action that could intimidate a participant in an investigation, or knowingly providing false evidence, withholding evidence, or interfering in an investigation (Exh. 5, at p. 10.) Manual section 3-01/040.85 (Cooperation During Criminal Investigation) requires Department employees to cooperate with investigators conducting criminal investigations.

The Department has issued Guidelines for Discipline and Education-Based Alternatives (Guidelines) to provide guidance regarding the level of discipline for violations of Department policy. They embody the concept of progressive discipline, with the caveat that there are some acts of misconduct which by their very nature are not appropriate for progressive discipline.

The Guidelines provide the following disciplinary ranges for the alleged violations: warning to discharge for violation of Manual section 3-01/030.05 (General Behavior), for conduct on or off duty which causes embarrassment to the Department; warning to discharge for violation of Manual section 3-01/050.10 (Performance to Standards), for failure to conform to work standards; 15-day suspension to discharge for violation of Manual section 3-01/030.15 (Conduct Toward Others), for discourtesy or profanity toward the public; warning to discharge for violation of Manual section 3-01/030.10 (Obedience to Laws); 10-day suspension to discharge for violation of Manual section 3.01/040.70 (False Statements); 15-day suspension to discharge for violation of Manual section 3.01/040.75 (False Statements During Department Internal Investigation); 15-day suspension to discharge for violation of Manual section 3.01/040.76. (Obstruction of Investigation); and 15-day suspension to discharge for violation of Manual section 3.01/040.85 (Cooperation During Criminal Investigation).

Decision to Impose Discipline

Dragovich, Director of the Administrative and Training Operations Division, made the decision to discharge Appellant. He reviewed the investigation file prepared by IAB, including video of Appellant's actions, and transcripts of recorded interviews and other documents obtained by ICIB. He was aware of Appellant's length of employment and good evaluations. He reviewed Appellant's prior discipline, which he deemed to be minor. Dragovich relied of the pertinent policies and the Guidelines, with which he is familiar.

Dragovich concluded that Appellant's actions were severe enough to warrant discharge. While in uniform, Appellant engaged in conduct that violated the public trust and brought discredit to himself and the Department. Appellant exposed the Department to legal

liability. Appellant suffered a conviction for his actions. Appellant tried to cover up his actions during the ICIB interview. The absence of a photograph, either because of camera malfunction, photo deletion, or due to Appellant's change of heart about taking a photograph, did not alter Dragovich's view that discharge is warranted –intent and planning, both of which were present, are sufficient in his view to require discharge. In addition, Dragovich concluded that Appellant obstructed Craig's investigation and tried to impact the investigation by offering factors believed to be mitigating. In sum, Appellant's behavior was not consistent with the Department's core values.

Three commanders reviewed the case and agreed with Dragovich's decision to discharge Appellant.

Discipline Imposed On Other Deputies

[redacted]

[3] Although Appellant referred to 13 cases, two of the cases, those involving deputies referred to in Appellant's documents by numbers 22209 and 22371 were not found in Exhibits H or I.

[redacted]

[redacted]

The evidence presented by Appellant has its limitations, as the OIR summaries are brief and not all circumstances surrounding the incidents are available. Except for the fact that all cases involved Department employees making false statements, no case was sufficiently close to Appellant's. The cases do show that in some circumstances deputies have received discipline lesser than discharge for serious misconduct, including conduct that warranted criminal investigation and making false statements.

Appropriate Level of Discipline

The Guidelines provide a wide disciplinary range for the violations Appellant is accused of having committed, from warning to discharge. Such variability makes clear that the circumstances of each case must be carefully reviewed to determine the appropriate discipline. In this case, Appellant's misconduct is serious, may lead others to question his credibility in future hearing testimony, brought discredit to the Department, and resulted in a financial settlement against the Department. However, not all allegations were established at the hearing and there are mitigating circumstances that make repetition unlikely. Thus, despite his plan to take a surreptitious photograph of [redacted] Appellant realized his planned action was wrong and did not actually carry out his plan. While he made false statements to ICIB investigators, he realized his error within minutes and provided truthful statements. His criminal probation terminated early and the conviction was set aside. Appellant has not engaged in any prior actions remotely related to those of June 14, 2011, and he has a very good work record. The Department does not always discharge employees who have made false statements or who have engaged in conduct that warrants criminal investigation.

Therefore, in the existing circumstances, discharge is not warranted and a 30-day suspension is the appropriate discipline.

FINDINGS OF FACT

1. Appellant started his employment with the Department on January 23, 1995. After completing the Department's Academy, he worked in several custody assignments, on patrol, and in several courthouses. He worked patrol at the [redacted] and at the [redacted]

[redacted]

5. On June 14, 2011, Appellant was working an overtime assignment as a bailiff at the Alhambra Courthouse. While the courtroom to which he was assigned was not in session, Appellant walked around other areas of the Courthouse as a "rover" security bailiff.

6. At approximately 1:20 p.m. on June 14, 2011, Appellant saw [redacted] enter the Clerk's Office on the second floor of the Alhambra Courthouse, and decided to take a surreptitious photograph of the woman with his cellular phone.

7. Appellant approached [redacted] while the woman was standing in line in the Clerk's Office. He bent down behind [redacted] and pretended to pick up papers with his left hand. As he did so, Appellant placed the cellular phone in his right hand under [redacted] skirt. Appellant then stood up and briefly spoke with [redacted] asking her if she had dropped some papers. Appellant's actions constituted an attempt to take a surreptitious photograph of [redacted]

8. Appellant realized that his conduct was wrong and did not actually take a picture of [redacted]

9. [redacted] a witness to the incident, told one of the clerks that she thought a deputy had taken a surreptitious picture of a person at the Clerk's Office, and the clerk reported it to Department personnel. Department managers were thereafter informed of the incident and ICIB was assigned to investigate.

10. In interviews with ICIB sergeants on July 15, 2013, Appellant made several false statements. He initially denied being in the Alhambra Courthouse. He then denied entering the Clerk's Office on two separate occasions. Appellant did not pick up the paper next t[redacted]or read its contents, as he claimed in the second interview. Nor was he texting his wife at or about the time he approache[redacted]He positioned the cell phone underneath[redacted]dress, which he denied in the second and third interviews.

11. Except as set forth in Finding of Fact number 10, it was not established that Appellant made any other false statement alleged in the Department's letter of February 19, 2013.

12. Appellant placed telephone calls to Craig on June 16 and 22, 2011, in which he asked about the length of the ongoing investigation and the potential outcomes. During the first conversation, Appellant informed Craig that he was the president of a girls softball team and that potentially about 200 people could be calling the number during upcoming competition, stated that he did not want to "screw this up," and asked if he could turn the seized phone off and get a new phone and number. Craig said that it was no problem. Later in the conversation, Appellant asked if he should be looking for a new job, to which Craig replied that that was premature. Craig stated there were things in Appellant's favor and agreed inform Appellant when the case was sent to JSID. Craig also told Appellant to call him if Appellant did not hear from him.

13. During the June 22, 2011 call, Appellant reported that he had contacted [redacted] and a [redacted] outside the Department and expressed regret about his actions, which he referred to as a twenty-second stupid thought.

14. Appellant's statements to Craig on June 16 and 22, 2011, did not constitute obstruction, interference or undue influence of the Department's investigation as proscribed by Manual section 3-01/040.76. While Appellant made the statements alleged in the Department's letter dated February 19, 2013, as set forth in Finding of Fact numbers 12 and 13, the circumstances in which the statements were made preclude a finding of obstruction, interference or undue influence. In brief, Appellant was acquainted with Craig, Craig encouraged the contact and suggested remedial actions, and the statements themselves did not rise to the level that would constitute obstruction, interference or undue influence.

15. [redacted] learned about Appellant's conduct and was upset about it. On August 26, 2011, she filed a Claim for Damages Pursuant to California Government Code section 910 with the County of Los Angeles Board of Supervisors. The claim led to a November 2011 settlement and a $10,000 payment to [redacted]

16. On March 1, 2012, in the Superior Court, Pasadena Courthouse, County of Los Angeles, in case number 1AH03551, Appellant was convicted, on his plea of no contest, of violating Penal Code section 647, subdivision (j)(2) (disorderly conduct: unauthorized photography), a misdemeanor. Imposition of sentence was suspended, and Appellant was placed on summary probation for three years on terms and conditions that included payment of $340 in fines and fees and performance of 40 hours of community services. Appellant complied with the terms and conditions of probation, and probation was terminated early, on January 13, 2014. On February 4, 2014, the court granted Appellant's motion pursuant to

Penal Code section 1203.4, and set aside the conviction and dismissed the criminal complaint.

17. Appellant's conduct, as set forth in Finding of Fact numbers 6, 7, 10 and 16, is contrary to the highest standards of law enforcement and brought discredit to himself and to the Department.

CONCLUSIONS OF LAW

1. The Department established by a preponderance of the credible evidence the truth of some of the allegations contained in its letter dated February 19, 2013, as set forth in this Report and the Findings of Fact.

2. Appellant violated Manual sections 3-01/000.10, 3.01/030.05, 3-01/030.07, 3-01/050.10, 3-01/030.15, 3-01030.10, and the Department Core Values, by engaging in the conduct set forth in Finding of Fact numbers 6, 7, 16 and 17.

3. Appellant violated Manual sections 3-01/040.70 and 3-01/040.75 in that he made false statements during a departmental investigation, as set forth in Finding of Fact number 10.

4. In making false statements, as set forth in Finding of Fact number 10, Appellant failed to cooperate in the Department's criminal investigation, in violation of Manual section number 3-01/040.85.

5. It was not established that Appellant obstructed or interfered in the conduct of the Department's investigation during his conversations with Craig on June 16 and 22, 2011 in violation of Manual section 3-01/040.76, by reason of Finding of Fact number 14.

6. The Department did not establish by a preponderance of the credible evidence that discharge was the appropriate discipline. Rather, a 30-day suspension is the appropriate discipline for the established violations.

RECOMMENDATION

It is respectfully recommended that the Commission adopt the Findings of Fact and Conclusions of Law and reduce the discipline imposed by the Department from discharge to a 30-day suspension, and require Appellant to be made whole for any loss of pay or benefits for service loss in excess of 30 days.

DATED: 6/25/14

Samuel D. Reyes
Hearing Officer



Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 16, 2015

Deputy Steven Stroble, #[redacted]

Dear Deputy Stroble:

On February 19, 2013, you were served with a Letter of Imposition under File Number 2290551, notifying you that you were discharged from your position of Deputy Sheriff, Item 2708A, with the Department, effective as of the close of business on February 14, 2013.

On October 1, 2014, the discipline was reduced pursuant to a final Civil Service decision. All Departmental records will reflect that you received a thirty (30) day suspension. The thirty (30) day suspension will be deemed served February 15, 2013 through March 16, 2013.

Pursuant to the Civil Service decision, the investigation under IAB File Number 2290551, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (as it pertains to 647(j)(2) P.C., Disorderly Conduct, Unauthorized Photography), on or about June 14, 2011, while on duty and in uniform, you attempted to take surreptitious photographs with your cellular phone camera of an unsuspecting woman, [redacted], at Alhambra Courthouse when you position your camera in a manner that would capture an image of her exposed leg or unexposed leg which was covered by her dress. Your admitted actions damaged the reputation of, and/or eroded the public's confidence in the Department. On March 1, 2013, you plead Nolo

Contendere to 647(j)(2) P.C., Disorderly Conduct, Unauthorized Photography. You were placed on summary probation for 36 months, assigned community service, and ordered to pay fines and restitution. Your admitted actions brought discredit upon yourself and the Department, and/or involved moral turpitude causing disrepute to the Department. You also failed to perform in conformance to the work standards established for your position, and/or failed to treat [redacted] in a respectful, courteous, and civil manner by positioning your camera in a manner which could capture images underneath [redacted] dress.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Investigations; and/or 3-01/040.70, False Statements, on or about June 15, 2011, you knowingly made false and/or misleading statements regarding your actions of attempting to take surreptitious photographs of an unsuspecting woman at the Alhambra Court facility, and/or the surrounding circumstances regarding the incident, as evidenced by, but not limited to:

   a. denying being in the traffic office at the Alhambra Courthouse on or about June 14, 2011, and/or words to that effect, and/or;

   b. denying entering into the traffic office a second time before approaching [redacted] on June 14, 2011, and/or words to that effect, and/or;

   c. denying positioning your cellular telephone underneath a woman's dress, and/or;

   d. stating you retrieved a piece of paper from the floor and asked [redacted] if it belonged to her, or words to that effect, and/or;

   e. stating, "And as I walked out, I saw it (referring to the paper), ignored it, text my wife to tell her where I was (inaudible) down, picked it up, walked around her."

   f. stating you only entered the traffic office once, and/or words to that effect, and/or;

3. That in violation of Manual of Policy and Procedures Section 3-01/040.85, Cooperation During Criminal Investigation, in making false statements, you failed to cooperate in the Department's criminal investigation.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Donnie L. Mauldin, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DLM:PLR:liz

c: Advocacy Unit
Employee Relations Unit
Todd S. Rogers, Assistant Sheriff
Personnel Administration
Personnel Administration/Unit Personnel File
Internal Affairs Bureau (File #2290551)